THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) of 1179 of 2003

Ram Singh S/O Nanha Singh, aged about 75 years,
R/O Village Librahri (Manglour),
District Haridwar.

… Petitioner.

Versus

1. Deputy Director of Consolidation, Haridwar,
2. Settlement Officer Consolidation, Haridwar,
3. Consolidation Officer Roorkee, District Haridwar,
4. Sukhrampal Singh S/O Dariyab Singh,
5. Mahavir Singh S/O Amar Singh
6. Raghuvir Singh S/O Rati Ram,
7. Kunwar Pal Singh S/O Dariyab Singh,
8. Anil Kumar alias Dimple S/O Yashpal Singh,
   All residents of village Librahri (Manglour)
   District Haridwar.

… Respondents.

Sri Nandan Arya, learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent no. 1 to 3.
Sri Nikhilesh Joshi, Adv., holding brief of Sri Lokpal Singh, learned counsel for respondent nos. 4 to 8.

Dated February 24, 2006.

Hon'ble B.S. Verma, J.

Heard learned counsel for the parties.

The petitioner has filed this writ petition for quashing the order dated 30.10.2002 passed by respondent no. 1 – Deputy Director of Consolidation.

The petitioner filed objection under Section 9A of Consolidation of Holdings Act before the Consolidation Officer Roorkee with a prayer that the exchange rate of his Gata No. 171 may be fixed 80 paise instead of 60 paise. The Consolidation Officer, after spot inspection, fixed the exchange rate of Khasara No. 171 80 paise vide order dated 17-10.1998. Aggrieved by the

said order, the respondent nos. 4 to 8 filed an appeal before the Settlement Officer Consolidation. The Settlement Officer

Consolidation after making spot inspection found that the exchange rate of adjoining Khasara Numbers has been fixed 60 paise. Accordingly, he fixed the exchange rate for Gata No. 171 area 0-603 70 paise instead of 80 paise. On that ground, the appeals were partly allowed by the Settlement Officer Consolidation vide order dated 3-8-2000. Aggrieved by the impugned order, the petitioner filed a Revision No. 99 before the Deputy Director Consolidation Haridwar. The Deputy Director of Consolidation, after considering the inspection report of the Settlement Officer Consolidation found that the reasons given by the Settlement Officer for fixing the exchange rate was correct and dismissed the revision.

The Deputy Director of Consolidation has also considered this aspect that the exchange rate of adjoining Khasara Numbers, i.e. 155, 157, 170 and 172, was fixed 60 paise and the exchange rate of Gata nos. 173, 174, 184 and 187 was fixed 70 paise.

The main ground of the petitioner for enhancement of exchange rate is that part of land of Gata No. 171 has been valued 80 paise and part of the land has been valued 70 paise. The learned Deputy Director of Consolidation divided Gata No. 171 into two parts. The eastern part was more fertile for crops and the western part of Gata No. 171 is less fertile. In fixing the exchange rate on the basis of yield by the Deputy Director of Consolidation. This is a finding of fact and cannot be interfered in Writ Petition. There is no illegality or infirmity or perversity in the orders passed by the Settlement Officer Consolidation as well as Deputy Director of Consolidation.

The writ petition is devoid of merit and is hereby dismissed.

(B.S. Verma, J.)